

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Michael D. Hightower,	)	Case No. 6:20-cv-03959-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
G.B. Shoes, Ben Justice, Houser Shoes,	)	
Jonathan LNU,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on Plaintiff's Complaint alleging causes of action for employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation ("Report"). On January 5, 2021, the Magistrate Judge issued a Report recommending that Defendants Ben Justice and Jonathan LNU be dismissed from this action without issuance of service of process. ECF No. 19. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed a response in support of the Report. ECF No. 23.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

In response to the Magistrate Judge's Report, Plaintiff stated that he “would like to release Ben Justice from the lawsuit as well as Johnathan the district manager.” ECF No. 23. Nevertheless, out of an abundance of caution for a pro se Plaintiff, the Court has conducted a do novo review of the record and the applicable law. The Court has also reviewed Plaintiff's subsequent filings. Upon such review, the Court finds the Magistrate Judge accurately summarized the relevant facts and applicable law and adopts the Report. Accordingly, Defendants Ben Justice and Jonathan LNU are **DISMISSED** from this action without prejudice and without issuance of service of process.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.

United States District Judge

March 26, 2021  
Spartanburg, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.